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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

EXAMINER	
ADDY, THJUAN KNOWLIN	
ART UNIT	**PAPER NUMBER**
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/762,974	MOCK ET AL.	
	Examiner	Art Unit	
	Thjuan K. Addy	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☒ Claim(s) *22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/22/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 22 is objected to because of the following informalities: Line 8, recites "response to receiving the non-vocal physiological data form the at least one transceiver." Examiner believes that line 8 should recite "response to receiving the non-vocal physiological data from the at least one transceiver." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 and 13-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Laird et al (US 7,221,928).

3. In regards to claims 1 and 13, Laird discloses a customer service method and system (e.g., dispatcher/campus security and/or emergency agency) for handling calls to or from a plurality of callers (e.g., users), comprising the steps of: retrieving non-vocal physiological data (e.g., heart rate, blood pressure, body temperature, temperature in

the vicinity of the user, etc.) from a caller; in response to retrieving non-vocal physiological data from the caller, assigning a priority (e.g., high or low) to the caller (for example, a determination is made on whether or not a sensor has reached its threshold); and routing the caller based on the priority assigned to the caller (See col. 7 lines 16-41 and col. 17 lines 10-30).

4. In regards to claim 2, Laird discloses the method, wherein the method further comprises the step of retrieving vocal physiological data from the caller (See col. 5 lines 31-38 and col. 39 lines 41-43).

5. In regards to claims 3 and 14, Laird discloses the method and system, wherein the step of assigning the priority is in response to retrieving non-vocal physiological data (See col. 7 lines 16-30) and vocal physiological data (See col. 5 lines 31-38 and col. 39 lines 41-43) (See col. 45 lines 17-27).

6. In regards to claims 4 and 15, Laird discloses the method and system, wherein the step of retrieving non-vocal physiological data comprises the step of retrieving at least one among an applied pressure to a phone used by the caller, a heart rate of the caller, a breath content of the caller, a breath rate of the caller a skin conductivity of the caller, an ambient noise level around the phone caller, a body temperature of the caller, and an ambient temperature around the phone caller (See col. 7 lines 16-41).

7. In regards to claims 5 and 16, Laird discloses the method and system, wherein the method further comprises retrieving a profile for the caller to determine a value for the caller (See col. 30 lines 8-24).

8. In regards to claims 6 and 17, Laird discloses the method and system, wherein the

step of routing the caller is based on the priority assigned to the caller and the value determined for the caller (for example, the caller is routed based on whether or not an alarm is raised) (See col. 30 lines 8-24).

9. In regards to claim 7, Laird discloses the method, wherein the method further comprises the step of increasing the priority given to a high valued caller as determined by the profile of the caller when negative non-vocal physiological data is received from the caller (See col. 30 lines 8-24 and col. 45 lines17-27).

10. In regards to claim 8, Laird discloses the method, wherein the method further comprises the step of decreasing the priority given to a low valued caller as determined by the profile of the caller when negative non-vocal physiological data is received from the caller (See col. 45 lines 17-27).

11. In regards to claim 9, Laird discloses the method, wherein the method further comprises the step of performing behavior modification techniques on a low valued caller as determined by the profile of the caller when negative non-vocal physiological data is received from the caller (See col. 30 lines 8-24 and col. 45 lines17-27).

12. In regards to claim 18, Laird discloses the system, wherein the processor is further programmed to perform one among the steps of increase the priority given to a high valued caller when negative non-vocal physiological data is received from the caller (See col. 30 lines 8-24 and col. 45 lines17-27), decrease the priority given to a low valued caller as determined by the profile of the caller when negative non-vocal physiological data is received from the caller (See col. 45 lines 17-27), and perform behavior modification techniques on a low valued caller as determined by the profile of

the caller when negative non-vocal physiological data is received from the caller. (See col. 30 lines 8-24 and col. 45 lines17-27).

13. In regards to claim 19, Laird discloses a communication device (See Fig. 2 and handset 100), comprising: a transceiver (See col. 6-7 lines 63-2); a non-vocal physiological detection sensor (See Fig 2 and sensors 214) coupled to the transceiver; and a processor (See Fig. 2 and CPU 218) coupled to the transceiver and programmed to transmit non-vocal physiological data (e.g., heart rate, blood pressure, body temperature, temperature in the vicinity of the user, etc.) to a third party to alter a call processing procedure at the third party (See col. 7 lines 16-30).

14. In regards to claim 20, Laird discloses the communication device, wherein the communication device further comprises a presentation device (e.g., display) coupled to the transceiver and the processor (See col. 24 lines 26-31).

15. In regards to claim 21, Laird discloses the communication device, wherein the processor is further programmed to receive instructions from the third party altering a presentation on the presentation device (for example, the driving instruction may change as the user moves along the route) (See col. 24 lines 26-31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claims 10-12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laird et al (US 7,221,928), in view of Pavlidis (US 6,996,256).

17. In regards to claim 10, Laird discloses all of claim 10 limitations, except wherein the method further comprises the step of sending a predetermined presentation to the caller based on the non-vocal physiological data retrieved from the caller. Pavlidis, however, does disclose sending a predetermined presentation (e.g., relaxing music) to the user based on the non-vocal physiological data (e.g., anxiety, alertness, fear, depression, etc.) retrieved from the user (See col. 11-12 lines 62-5). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the method and system, as a way of detecting the physiological characteristic representative of one or more altered human state, and if needed, providing a presentation, which may be soothing/calming for the user.

18. In regards to claim 11, Laird discloses all of claim 11 limitations, except wherein the predetermined presentation is at least one among a sound presentation, a picture presentation, a multimedia presentation, and a video presentation. Pavlidis, however, does disclose wherein the predetermined presentation is at least one among a sound presentation, a picture presentation, a multimedia presentation, and a video

presentation (See col. 11-12 lines 62-5).

19. In regards to claim 12, Laird discloses all of claim 12 limitations, except wherein the sound presentation is at least one among a calming music presentation, an irritating music presentation, a calming voice presentation (e.g., relaxing music), and an irritating voice presentation and the picture presentation is at least one among a calming picture presentation and an irritating picture presentation, and the multimedia presentation is at least one among a calming multimedia presentation and an irritating multimedia presentation, and the video presentation is at least one among a calming video presentation and an irritating video presentation. Pavlidis, however, does disclose wherein the sound presentation is at least one among a calming music presentation, an irritating music presentation, a calming voice presentation, and an irritating voice presentation and the picture presentation is at least one among a calming picture presentation and an irritating picture presentation, and the multimedia presentation is at least one among a calming multimedia presentation and an irritating multimedia presentation, and the video presentation is at least one among a calming video presentation and an irritating video presentation (See col. 11-12 lines 62-5).

20. In regards to claim 22, Laird discloses all of claim 22 limitations, except instruction initiating a mood altering presentation to the at least one transceiver in response to receiving the non-vocal physiological data from the at least one transceiver. Pavlidis, however, does disclose instruction initiating a mood altering presentation (e.g., relaxing music) in response to receiving the non-vocal physiological data (e.g., anxiety/tension) (See col. 11-12 lines 62-5).

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lester et al (US 6,002,763) teach a telephone with a mute ringer function having an automatic ringer reactivation capability. Byon (US Patent Application, Pub. No.: US 2004/0055448 A1) teaches a music providing system having music selection function by human feeling and music providing method using thereof.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thjuan K. Addy
Patent Examiner
AU 2614